

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

Robert Fischer and Stephanie Lukis,)	
individually and on behalf of all others)	CIVIL ACTION NO: 19-cv-4892
similarly situated,)	
)	
<i>Plaintiffs,</i>)	JUDGE FEINERMAN
v.)	
)	MAG. WEISMAN
Instant Checkmate LLC,)	
)	
<i>Defendant.</i>)	

JOINT STATUS REPORT

Pursuant to this Court's December 4, 2020 Order, the Parties submit the following Joint Status Report, addressing the specific topics identified in that Order:

1. **Completed discovery:** Plaintiffs have issued written discovery requests and Defendant has provided responses to same. Additionally, on October 9, 2020, Plaintiffs took the deposition of Brian Mahon, Instant Checkmate's Vice President of Products. Defendant has issued written discovery requests as to Plaintiff Fischer and Plaintiff Lukis, and Plaintiffs' responses are due on December 17, 2020. Defendant has not yet issued discovery as to Plaintiffs Harper and Adams, joined as a result of Plaintiffs' December 3, 2020 First Amended Complaint, because the parties are not yet at issue. Defendant's responsive pleading is due December 17, 2020.

2. **The discovery that remains to be taken:** In October, Plaintiffs asked for deposition dates for two additional Instant Checkmate employees. For a variety of reasons, those depositions have not yet been scheduled though the parties are committed to getting them scheduled to be completed in January 2021. Plaintiffs also have indicated that based on these

depositions, they may want to take 2-3 more depositions and/or issue further written discovery. Defendant will be issuing additional written discovery in light of the addition of the two new Plaintiffs to the case and also may issue additional written discovery to the original Plaintiffs. Defendant will also be seeking to depose each Plaintiff. Dates for those depositions have not been set.

3. **Any foreseeable obstacles to meeting the deadlines set forth in the 7/23/2020 order:** The current deadlines in the Court's July 23, 2020 order are: fact discovery to be completed by February 1, 2021, and class related motions to be filed by March 1, 2021. In light of the fact that Instant Checkmate has just retained new lead counsel who are getting up to speed and the upcoming holidays which affect witness availability, the parties jointly request that the Court modify the existing schedule as follows:

- a. Plaintiffs complete their fact discovery by March 15, 2021;
- b. Plaintiffs file their class certification motion and supporting memorandum by April 15, 2021;
- c. Defendant completes its fact discovery by June 15, 2021.
- d. Shortly after the completion of Defendant's fact discovery, the parties would request a status conference during which Defendant will inform the Court of whether it believes that it is more efficient to oppose the class certification motion as the next step or file a motion for summary judgment on the merits.

The parties agree that by providing discovery to the original Plaintiffs, Defendant does not waive any rights to raise issues of arbitrability with respect to the newly added Plaintiffs to the extent Defendant uncovers facts during its discovery that demonstrate that these Plaintiffs have agreed to arbitrate.

4. **Whether both sides would like a settlement conference with the Magistrate Judge:** The parties are open to a settlement conference with the Magistrate Judge.

5. **Whether there is a need for the 12/10/2020 status hearing:** Given the appearance of new counsel for Defendant and the requested changes to the existing schedule, the parties believe that it would be helpful to keep the December 10, 2020 status hearing.

Dated: December 8, 2020

Respectfully submitted,

/s/ Roberto Costales

Roberto Costales
William Henry Beaumont
BEAUMONT COSTALES LLC
107 W. Van Buren
Suite 209
Chicago, IL 60605
T: (773) 831-8000
rlc@beaumontcostales.com
whb@beaumontcostales.com

Attorneys for Plaintiffs

-and-

/s/ Debbie L. Berman

Debbie L. Berman, #6205154
Wade A. Thomson, # 6282174
JENNER & BLOCK LLP
353 N. Clark, Suite 4400
Chicago, IL 60654-3456
T: 312-923-2764
dberman@jenner.com
wthomson@jenner.com

Ian Heath Gershengorn (*pro hac vice*)
JENNER & BLOCK LLP
1099 New York Avenue, NW, Suite 900
Washington, DC 20001-4412
T: 202-637-6323
igershengorn@jenner.com

Benjamin R. Kinney, #6317720
Avanti D. Bakane, #6299022
Damon W.D. Wright
GORDON REES SCULLY MANSUKHANI, LLP
One North Franklin, Suite 800
Chicago, IL 60606
Ph: 312-619-4922
abakane@grsm.com
bkinney@grsm.com
dwright@grsm.com

Attorneys for Defendant

CERTIFICATE OF SERVICE

I certify that on December 8, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will then send a Notice of Electronic Filing to all counsel of record.

/s/ Debbie L. Berman